

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID N. STANLEY,

Plaintiff,

v.

Civ. No. 11-1108 GBW/JHR

DONALD GALLEGOS, *et al.*,

Defendants.

JUDGMENT GRANTING INJUNCTIVE RELIEF

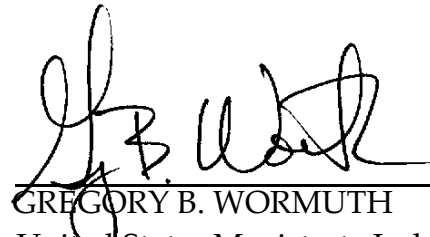
Pursuant to the Order entered concurrently herewith (*doc. 223*), the Court enters this separate judgment, under Fed. R. Civ. P. 58, GRANTING Plaintiff the following injunctive relief:

Until the state court issues a final ruling regarding whether Red Hill Road is public or private, and absent an exigent public safety concern, Defendant Donald Gallegos is hereby enjoined from interfering with any locked gate or other barrier that Plaintiff may install across Red Hill Road to restrict or prevent public access to the road where it traverses his private property. During the same time period, Defendant Gallegos is further enjoined from directing or instructing any third parties, including law enforcement officials, to engage in any such interference. Notwithstanding the foregoing, no action authorized pursuant to a lawful court order or warrant signed by a judge of a court of record shall constitute a violation of this injunction if the application

to the judge for such an order or warrant was accompanied by a copy of the Order Granting In Part And Denying In Part Plaintiff's Motion For Summary Judgment (*doc.* 223) and the Memorandum Opinion and Order (*doc.* 209). Moreover, in no event shall a decision to bring criminal charges related to any obstruction constitute a violation of this injunction.

This injunction shall terminate once the state court has issued a final decision (as defined in 28 U.S.C. § 2244(d)(1)(A)) in the pending quiet title action regarding whether Red Hill Road is public or private.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G. B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
United States Magistrate Judge
Presiding by Consent